

**MINUTES
of the
THIRD MEETING
of the
LAND GRANT COMMITTEE**

**August 8-9, 2013
Tajique Land Grant Community Center
Tajique Land Grant**

The third meeting of the Land Grant Committee (LGC) was called to order at 10:12 a.m. by Representative Miguel P. Garcia, chair, on August 8, 2013 at the Tajique Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Sen. Jacob R. Candelaria, Vice Chair (8/8)
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Jimmie C. Hall
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Sen. Sander Rue
Rep. Tomás E. Salazar

Absent

Rep. David M. Gallegos
Sen. Daniel A. Ivey-Soto
Rep. Debbie A. Rodella

Advisory Members

Rep. Phillip M. Archuleta
Sen. Carlos R. Cisneros (8/8)
Sen. Timothy M. Keller
Rep. W. Ken Martinez

Rep. Patricia A. Lundstrom
Rep. Christine Trujillo

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Thursday, August 8

Call to Order

Representative Garcia welcomed everyone to the Tajique Land Grant and provided the audience with background on the committee. He continued by giving the committee and those present an update on the Valley Improvement Association (VIA) issue discussed at the July LGC meeting in Tome. The VIA is working on a resolution to transfer around 140 acres back to the Tome Land Grant following the county assessor declaring an exemption status. Progress on the transfer is set to be discussed at the LGC's September meeting.

Members of the committee were asked to introduce themselves, as were staff and members of the audience.

Welcoming Remarks and History: Tajique Land Grant

Venessa Chavez-Gutierrez, interim board member, Tajique Land Grant, greeted the committee and welcomed the members to Tajique. She provided the committee with the history of the land grant, explaining that it is one of four land grants in Torrance County. Established in 1834 as a Mexican grant, it was originally composed of 7,185 acres. Tajique currently does not have any common land. Ms. Chavez-Gutierrez informed the committee that the community center, built with community funds, is used for events such as weddings, elections and funerals. Due to sparse funding for repairs and upkeep, some members of the community asked the county to take possession of the community center. Torrance County currently owns the building. Ms. Chavez-Gutierrez added that the land grant will hold its first-ever election on August 18, 2013 — a major step toward organization.

Ms. Chavez-Gutierrez outlined the land grant's goals to the committee.

1. Cemetery. The current land grant cemetery is at capacity. The water association has agreed to give the land grant some land for the cemetery.
2. Community Center. The land grant wants to regain possession of the community center. The building requires several repairs along with continual routine maintenance.
3. Park. Tajique hopes to build a park to provide a safe place for the youth of the community to play.

Ms. Chavez-Gutierrez added that long-term-goals for Tajique include regaining lost land and achieving healthy forest management. Wood-cutting is a large source of income for members of the grant. The land grant hopes to partner with the federal government to conduct thinning projects in the area.

Javier Sanchez, a historian and the emergency manager for Torrance County, spoke about his involvement with the Tajique Land Grant. Mr. Sanchez, who is a published author of a book on land grants, talked about the value of written sources. He urged the committee and those present to support the continuation of history written by locals and the communities themselves.

Jerry Montoya, a member of the Tajique Land Grant, described the boundaries of the original land grant for the committee members.

A committee member asked Ms. Chavez-Gutierrez to go into detail about how the land grant lost its common lands. Ms. Chavez-Gutierrez explained that it was mostly lost through debt. In particular, many people bought goods on credit from a local feed store, accruing more debt than they could pay. As a result, the owners of the feed store ended up with large portions of land.

In reference to the goals outlined by Ms. Chavez-Gutierrez, a member of the committee suggested that the land grant establish a list of capital improvement needs for the community center to be submitted to the LGC for members to request capital outlay funds, thus providing a bargaining chip for the land grant in approaching the county. The member added that these needs do not have to be limited to just the community center.

Motion 1

Senator Rue made a motion to draft a letter to the Torrance County Board of County Commissioners requesting that it work on the transfer of the community center back to the land grant. Senator Candelaria seconded the motion. The letter is to be drafted with the understanding that the legislature will back the land grant with capital outlay funding under the condition that the land grant establish itself with legitimate elections and seek political subdivision status. The motion passed unanimously.

A committee member stressed the importance of the Tajique Land Grant following up with the LGC and keeping it updated, citing the Tome Land Grant as an example. Ms. Chavez-Gutierrez thanked the committee for its support on behalf of the Tajique Land Grant, stating that the motion for the letter with the condition of the capital outlay is a gift to the land grant and is very much appreciated.

Proposed Recurring Funding Source for Land Grant and Acequia Water Infrastructure Projects

Juan Sanchez, chair of the Land Grant Council, and president of La Merced del Pueblo de Chilili, addressed the committee. He stressed the need for infrastructure, including building parks in the common lands and maintenance of the forests.

Paula Garcia, executive director of the New Mexico Acequia Association and an heir to the Mora Land Grant, addressed the committee about the importance of acequias and water to the land grants. She noted that land grants and acequias were historically paired. (Throughout her presentation, Ms. Garcia referred to a discussion draft of a bill, 202.190599.3, and a handout she provided to the committee.) Her presentation covered the role of the New Mexico Acequia Association, acequias in New Mexico, an overview of recent acequia funding requests, an analysis of acequia needs and several key policy recommendations. Ms. Garcia emphasized that New Mexico is home to an estimated 800 acequias and community ditches, each serving around

300 families. Acequias have limited options when seeking funding for infrastructure projects, and the New Mexico Acequia Association aims to provide technical assistance to the acequias.

A member of the committee clarified that discussion draft 202.190599.3 emerged as a result of last year's LGC meeting in Chilili, but the LGC wanted "buy-in" from more stakeholders. The member added that in regard to water projects, funding is needed to assist acequias and land grants in completing their audits. The failure to secure funding, in part, is due to not being up to date with project audits.

Another member noted that the reason the discussion draft was not introduced during the last legislative session was due to it not being heard before the LGC and the Water and Natural Resources Committee (WNRC). It was suggested by a member that the discussion draft be placed on the WNRC agenda following LGC endorsement because an interim committee endorsement will aid in the bill's success before a standing committee and eventually lead to its passing.

Discussion regarding the bill draft took place, with Ms. Garcia answering inquiries from the committee. She suggested that language for a local preference be added because a lot of the work gets done by smaller contractors. According to Ms. Garcia, if the bill were passed, the Water Trust Board would aid in the management of the fund. A member opined that the fund might be better handled by the Interstate Stream Commission, thus moving the decisions closer to the land grants and the acequias.

The committee discussed with Ms. Garcia the challenges acequias face in acquiring funding for infrastructure and maintenance, specifically capital outlay funding. Most acequias are not able to compete for the \$1.4 million appropriated (out of the \$4 million requested) annually. The ones that receive capital outlay money are not complying with the audit rule, resulting in the reversion of the funds. Ms. Garcia expressed concerns over rule changes by the Water Trust Board.

A committee member suggested that the state auditor, Department of Finance Administration and New Mexico Finance Authority come before the LGC to discuss funding and solutions to streamline the funding process for acequias. The committee stressed the need for a nonpolitical entity to play a greater role in the auditing process for acequia associations, as well as the responsibility of the land grants to offer solutions for these issues when coming before the committee.

Motion 2

Upon a motion by Representative Hall, seconded by Senator Candelaria, the committee voted unanimously to approve the minutes of the July LGC meeting.

Reconstructing Historic Surveys and Traditional Use Boundaries for Community Land Grants: A New Approach

Dr. Manuel Garcia y Griego, director, University of New Mexico (UNM) Land Grant Studies Program, introduced Emanuel Storey, geographic technician from the UNM program, to the committee. Mr. Storey has worked on a project to map the historic boundaries of land grants, which he described as both controversial and geographically interesting. Using a handout of illustrations that he supplied to the committee, Mr. Storey walked the committee through the algorithm he designed to identify how descriptions relate to the titles of the land. Mr. Storey has compared the descriptions of traditional-use boundaries of the 35 active community land grants with the conclusion that they generally coincide with the patented boundaries. His "high points algorithm" determines where the ridge line is through the use of satellite imagery.

Dr. Garcia y Griego said that this system is a much less expensive way to map boundaries. This method is not as accurate as actual surveys, but it could still be very useful in identifying discrepancies.

The committee discussed with the presenters these technology advances and the impacts they will have on land grants and inquired about Mr. Storey's methodology. A committee member asked how a land grant would request having this done. The presenters clarified that they are not surveying any land grants but are doing mapping via satellites. Mr. Storey's work probably would not be sufficient in any court dispute, but it is a step toward assessing the reliability and validity of boundary lines.

Payment to Tierra Amarilla Land Grant by Wind River Energy Corp.

Mr. Carver and Arturo Archuleta, Land Grant Council, provided background on a Tierra Amarilla Land Grant dispute in which members of the land grant allegedly sold the mineral rights to the Wind River Energy Corp. in 2008 for its "Milagro Project". (For more background on this dispute, please see the minutes from the July 16-17, 2012 LGC meeting in Questa.)

Mr. Carver outlined his recent meeting with the Office of the State Auditor. According to Mr. Carver, the auditor's investigation of the dispute is still under way. Wind River Energy Corp. has a new president, and the Milagro Project is not a priority at the present time. Members of the Tierra Amarilla Land Grant voiced their concerns over this matter and emphasized the need for a legitimate board.

Members of the committee asked the presenters for specifics about the dispute and the composition of the Tierra Amarilla Land Grant board. Mr. Archuleta provided clarification, adding that the board is not in compliance with state statutes; with eight members, it exceeds the regulatory five-member maximum. There are conflicts of interest with members of the same family on the board.

A committee member voiced concern that Wind River is not being held accountable for any fallout from oil and gas exploration, adding that this has been a very frustrating issue for the

committee and for the community. If, indeed, the contract with Wind River, signed by members of the Tierra Amarilla Land Grant board, is valid, then the right to raise future claims was given up by the land grant in exchange for \$230,000.

One member of the committee opined that the money from Wind River is likely gone and that the company has moved on. The best course of action for the Tierra Amarilla Land Grant is to reestablish itself as a legitimate voice for the land grant and proceed toward political subdivision status. Another member underscored the need for public notices and legitimate elections as the land grant moves forward.

Motion 3

Senator Rue made a motion to send a letter to the Office of the State Auditor urging a quick resolution to this dispute. Representative Alcon seconded the motion, which passed without objection.

The committee requested that a representative from the oil and gas industry be present the next time the LGC discusses the Tierra Amarilla issue.

Modern History of the Land Grant Movement: Land Grant Activism from the Tierra Amarilla Courthouse Raid to the Present

Jacobo D. Baca, Ph.D. candidate, UNM, addressed the committee regarding the land grant movement. Mr. Baca discussed land speculation and federal government land expansion during the early twentieth century as precursors for the land grant radicalism beginning in the 1960s. With the aid of a handout, Mr. Baca outlined the major events in land grant activism, including the Tierra Amarilla courthouse raid, La Alianza and the formation of the Land Grant Forum.

Former Lieutenant Governor Roberto Mondragon, treasurer, Anton Chico Land Grant, provided background on the Amador Flores case in the 1980s. Lieutenant Governor Mondragon also mentioned the U.S. General Accounting Office (GAO) report on land grants, which addresses the fault of the United States government in the loss of land from the land grants. He noted the GAO report's five recommendations.

1. Do nothing.
2. Issue an official apology acknowledging deficiencies in the land grant confirmation process.
3. Establish a commission to re-examine claims.
4. Consider transferring federal lands to land grants.
5. Establish a trust fund for the land grants.

Lieutenant Governor Mondragon concluded his presentation by expressing his desire to see the UNM School of Law develop a land grant studies program.

Mike Scarborough, historian, has five years of study focused on land grants and addressed

the committee with the following three points.

1. Preservation of Artifacts. Native American lands have to be combed for artifacts; however, nothing is being done for Spanish/Mexican land grant claims.
2. Federal Control. In New Mexico, the federal government controls 30 million acres with subsurface gas. The federal government exercises control over 40 million acres in seven states. In Texas, it controls only 38,000 acres. The money could remain in New Mexico to be used for education.
3. GAO Cover-Up. An integral sentence on the last page of the report is missing.

Members of the committee asked Mr. Scarborough questions about his book and how it could be acquired.

Public Comment

Daniel Antonio Herrera addressed the committee about water issues in Torrance County. Mr. Herrera is concerned about a big push for water rights to become privatized. He noted that not all parties have been included in the talks. He may be asking the committee for help in dealing with this issue.

Elmer Maestas voiced his concern about how the education system teaches New Mexico history.

A member of the community complained about the lack of notice for the meetings of the Torrance County Board of County Commissioners.

Recess

The committee recessed at 5:19 p.m.

Friday, August 9

Tour of Tajique Land Grant

The committee reconvened at 9:30 a.m. for a tour of the Tajique Land Grant. The tour included a visit to the mission church and a hike to the community water tank, the land grant's cemetery and one of its boundary lines.

Adjournment

There being no further business before the committee, the third meeting of the LGC adjourned at 12:00 noon.